

8

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V. GOPALA GOWDA

WRIT PETITION No.13971/1996

BETWEEN:

Harry, S/o Rajoriya alias
Arikaswamy, major,
now working as Assistant
Instructor in M.E.I. Polytechnic,
Rajajinagar,
Bangalore-10.

397
..PETITIONER

(By Sri F.V. Patil, Advocate)

AND:

1. The Director of
Board of Technical Education,
Seghadri Road,
Bangalore-560 001.

2. The Principal,
M.E.I. Polytechnic,
Rajajinagar,
Bangalore-560 010.

3. Khalid Hussain,
Major, Assistant Instructor,
M.E.I. polytechnic,
Rajajinagar,
Bangalore-560 010.

..RESPONDENTS

(By Sri T.G. Achar for R-2,
Bharathi Nagesh, HCGP for R-1)

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to direct R-1 & 2 to consider the case of the petitioner for promoting to the post of Asst. Instructor and to issue an order of promotion as Asst. Instructor w.e.f. 1.12.90 and also to grant all consequential benefits including the salary of the Asst. Instructor from 1.12.90; quash Annex-A by R-2 dt. 30.3.96 and direction to R-1 to consider the case of the petitioner as well as the case of R-3 as regards the fixing of seniority in the cadre of Asst. Instructor in R-1 & 2.

This Writ Petition is coming on for preliminary hearing in 'B' group this day, the Court made the following:-

O R D E R

Undisputedly the petitioner has not availed alternative remedy provided to him under the provisions of the Karnataka Education Act, 1983. In view of the judgment of this Court in W.A.No. 1833-36/95 and connected matters (D.D. 30.5.1998). The petitioner has to approach the appellate authority under the provisions of the Act. In this view of the matter, the petition is dismissed with liberty to the petitioner to approach the appellate authority as contemplated under the provisions of the Karnataka Education Act, 1983.



Sd/-
JUDGE